

STAFF REPORT
November 21, 2007

No. 07FV008 - Fence Height Exception to allow a six foot high fence in a front yard setback **ITEM**

GENERAL INFORMATION:

APPLICANT/AGENT	Scott Hadcock for Hadcock Construction, Inc.
PROPERTY OWNER	Ray Hillenbrand
REQUEST	No. 07FV008 - Fence Height Exception to allow a six foot fence in the front yard setback
EXISTING LEGAL DESCRIPTION	Lot 25 of Block 7 of Northern Heights Subdivision, Section 25, T2N, R7E, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.18 acres
LOCATION	1418 North 7th Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Public
DATE OF APPLICATION	10/23/2007
REVIEWED BY	Jonathan Smith / Ted Johnson

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a six foot fence within the required 25 foot front yard setback be denied.

GENERAL COMMENTS:

The applicant has submitted a Fence Height Exception request to allow a six foot high fence within the required 25 foot front yard setback. The property is located at 1418 North 7th Street. The property consists of a 7296 square foot lot with a 1296 square foot single family residence located upon it. The property is currently zoned Low Density Residential. A six foot solid wood fence has been constructed along the northern property boundary within the 25 foot front yard setback.

STAFF REVIEW:

Section 15.50.040 of the Rapid City Municipal Code states that a variance to the fence height

STAFF REPORT
November 21, 2007

No. 07FV008 - Fence Height Exception to allow a six foot high fence in a front yard setback **ITEM**

requirements can be granted by the City Council if the exception is not contrary to the public interest and the exception will not be injurious to the surrounding neighborhood.

Staff has reviewed the proposed Fence Height Exception as it relates to the applicable provisions of the Rapid City Municipal Code and noted the following considerations:

A six foot wood fence was constructed on the property along the eastern, western and northern boundary of the property. The portion of the fence along the northern boundary extends past the building line into the front yard of the property a distance of 21 feet. Section 15.30.020 states that no fence over four feet in height shall be placed in the front yard. The fence does not encroach into the street right-of-way.

SIGHT TRIANGLE:

Staff noted that no fence shall be placed in the required sight triangle as provided for in Section 17.50.335 except a fence may be allowed in the required sight triangle if the fence is not more than 30% solid per Section 15.40.080 of the Rapid City Municipal Code.

The solid wood six foot fence in the front yard setback encroaches into the pedestrian site triangle. Staff has concerns with the ability of motorists backing out of the both abutting properties and their ability to see pedestrians using the sidewalk that abuts the street.

FRONT YARD SETBACK:

The applicant can construct a four foot fence in the front yard setback as per Section 15.40.020 of the Rapid City Municipal Code. Staff has noted that if the fence were to be constructed per the regulations that it would not encroach into the pedestrian site triangle. For these reasons staff recommends that the request to allow a six foot high fence in a front yard setback be denied.